



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF SPECIAL HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEFFERSON CITY, MISSOURI, ON THURSDAY, MAY 21, 2009**

A special meeting of the Missouri Highways and Transportation Commission was held on Thursday, May 21, 2009, at the Department of Transportation Building, 105 West Capitol, Jefferson City, Missouri. Mike Kehoe, Chairman, called the meeting to order at 3:00 p.m. The following Commissioners were present at the meeting location: Mike Kehoe, David A. Gach, Rudolph E. Farber, Grace M. Nichols, and Lloyd J. Carmichael. Duane S. Michie was in attendance via videoconference.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Pete Rahn, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission were present on Thursday, May 21, 2009.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo, including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Upon motion duly made and seconded to convene in closed session, the Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Kehoe, Aye
Commissioner Gach, Aye
Commissioner Farber, Aye
Commissioner Nichols, Aye
Commissioner Carmichael, Aye
Commissioner Michie, Aye

The Commission met in closed session on May 20, 2009 from 4:00 p.m. until 6:00 p.m.

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-- OPEN MEETING --

SAFE AND SOUND BRIDGE IMPROVEMENT PROGRAM DESIGN BUILD PROJECT

On behalf of the Director, Don Hillis, Director of System Management, presented the department's recommendation for the Safe and Sound Bridge Improvement Program. Mr. Hillis began his presentation with the history of the program that was originally announced in Fall 2006 to improve 802 bridges via a design-build-finance-maintain contract. The Safe and Sound team worked very hard to try everything they could to get creative and make the project

affordable. Unfortunately, the timing of these efforts was during the financial market meltdown, which ultimately made the project unaffordable.

In September 2008, the Commission approved a two-phased approach using a combination of innovative contracting and a design-build package to honor the commitment of 802 improved bridges. A modified design-bid-build process is being used for rehabilitating 248 bridges. Through this innovative contracting, 21 bridges are completed, 28 are under construction, and 109 are under contract. At the September 2008 meeting, the Commission challenged the department to have 100 bridges under contract by spring of 2009, that request has been met.

The remaining 554 bridges identified for replacement will be constructed under a design-build program. There are three teams competing in the procurement that started in December 2008. These teams included:

1. Missouri Bridge Builders (MBB) team members include Clarkson Construction, Fred Weber, Inc., Emery Sapp & Sons, Inc., and Parsons Transportation Group.
2. KTU Constructors (KTU) team members include Kiewit Western Company Traylor Brothers, Inc., United Contractors, Inc., HNTB Corporation, and The LPA Group, Inc.
3. Bridges Across Missouri (BAM) team members include OCCI, Inc., United Contractors Midwest, St. Louis Bridge Construction Company, Peterson Contractors, Inc., and TranSystems Engineering.

Two teams submitted responsive proposals, MBB and KTU, the BAM team did not submit a proposal.

Mr. Hillis reviewed scoring for six parts of the proposals. There are four parts that are scored on a pass or fail basis, the other two parts are assigned points. Part 1 is the

organizational chart and key personnel for each team. Both MBB and KTU passed. Part 2 is for the team's disadvantaged business enterprise and on-the-job training plans. Both MBB and KTU passed. Part 3 was a review of additional applicable standards and design exceptions. The department encouraged the teams to find innovative ways to build the bridges. Both teams submitted numerous standards and exceptions and both teams passed.

Part 4 are the technical elements with 40 points available for both teams. These technical elements include: (1) completion commitment – five points, (2) maintenance of traffic – twenty-five points, (3) public information, project management and quality construction – ten points, and (4) structure type is a pass or fail item.

Completion commitment is the date when the team would have the bridges built. The contract requires a completion date of October 31, 2014. More points were allotted if the team could build the bridges quicker. Both MBB and KTU submitted a completion date of December 31, 2013. Both teams were allotted 5 points.

Maintenance of traffic includes how long bridges would be closed and allowing schedule flexibility should a bridge closure date need to be moved a few days. Both MBB and KTU submitted average construction duration of forty-five days and allowed flexibility. Both MBB and KTU received twenty-five points.

Public Information, project management and quality construction was the only subjective scoring item. For fairness, a team of MoDOT staff from Community Relations, Design, Bridge, and Construction and Materials who were not part of the Safe and Sound team were brought together to review and score these items. Under this element, MBB scored 6.7 points and KTU scored 7 points.

Structure type was a pass-fail item. There were three different types of structures that both teams anticipated using including box beams, steel or concrete I girders, and culverts. Both MBB and KTU passed.

Part 5 was the administrative elements and this was a pass or fail item. This was to make sure the proposing teams were licensed to do business in the state of Missouri, they had their surety commitments so they can bond the program in accordance with MoDOT requirements, and they have the proper authorization documents. Both MBB and KTU passed.

At this point the Safe and Sound team knew that both MBB and KTU were good solid teams, with technical scores of 36.7 for MBB and 37.0 for KTU and both passing all of the pass or fail items. The deciding factor was going to be the price.

Part 6 is the price allocation with a total of 60 points available. Price was evaluated on an A+B basis where A is the contract price and B is the road user costs on sixty-one bridges with high impacts. MBB submitted a contract price of \$518 million and KTU submitted a contract price of \$487 million. MBB was allotted 51.3 points and KTU was allotted 60 points.

When the technical scores plus the price allocation scores are added up, MBB earned 88 points and KTU earned 97 points. We use best value recommendation here because that is what the department received, a great quality project for a great price.

Mr. Hillis recommended that the Commission:

- Select KTU constructors as the best-value proposal.
- Declare Bridges Across Missouri non-responsive.
- Declare the two proposals received responsive.
- Authorize payment of a \$1 million stipend to Missouri Bridge Builders.

- Authorize the Director, Chief Engineer, Chief Financial Officer, or Project Director to enter negotiations with KTU Constructors and execute the Safe and Sound design-build contract.

Following a discussion and inquiry regarding the process and evaluation, the Commission commended the Safe and Sound team for their perseverance and dedication to this program. Commissioner Gach moved approval of the recommendation as presented by Don Hillis. Commissioner Michie seconded the motion. The motion was unanimously approved.

Scott Cassels, Executive Vice President of Kiewit Western Construction Company spoke on behalf of the KTU Constructors team and expressed excitement to be able to build numerous bridges and be a part of an innovative and forward-looking solution to help fix an aging infrastructure problem.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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